IN THE HIGH COURT OF UTTARAKHAND ATNAINITAL

Civil Contempt Petition No. 272 of 2007

Raman Kumar "Phutela, S/O Sri Madan lal Phutla, R/O Ward NO. 4, G.G.I.C. Road Kichha, District Udham Singh Nagar.

……Applicant.

Versus

1. L. Fanai, District Magistrate Rudrapur, District Udham Singh Nagar.
2. P.S. Martolia, Executive Engineer, Public Works Department Rudrapur, District Udham Singh Nagar.
3. Elam Dass, Executive Officer, Nagar Palika Parishad Kichha, District Udham Singh Nagar.

….Respondents.

Sri Rakesh Thapliyal, learned counsel for the applicant.

Dated November 23, 2007.

Hon'ble B.S. Verma, J.

This contempt petition has been filed to punish the respondents for deliberate and willful disobedience of order dated 27-04-2006 passed by the Division Bench of this Court in Writ Petition No. 497 of 2004 (M/B), Raman Kumar Phutela Vs. State of Uttaranchal and others.

The Division Bench of this Court has decided the aforesaid writ petition by order dated 27-4-2006 and in para no. 3, it has been mentioned that it would be appropriate for the petitioner to first approach Pollution Control Board for the redressal of his grievance regarding the alleged pollution caused by respondent no. 4. In para no. 4 following observations were made by this Court.

"As regards the petitioner's other grievance in regard to encroachment on both sides of Kichha-Rudrapur road, we gather from the counter affidavit filed on behalf of the respondents that the authorities are taking action against the encroachers."

I have perused the order dated 27-4-2006. It reveals from the order that there is no direction to the respondents for making certain compliance for removal of encroachment and there is nothing on record to show that the respondents are guilty of non-compliance of any direction of the Court. I am not inclined to entertain this contempt petition, which is liable to be dismissed at the threshold.

The contempt petition is dismissed in limine. However, the petitioner may approach to the Court to file fresh writ petition, if so advised.

(B.S. Verma, J.)

RCP